



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

MAR 29 2016

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

Mr. Gary Marquardt  
Operator  
Peavey Hatchery  
P.O. Box 546  
Buhl, Idaho 83316

Re: Peavey Hatchery - SeaPac of Idaho  
NPDES Permit Number IDG130046

Dear Mr. Marquardt:

On behalf of the United States Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the July 29, 2015, Clean Water Act (CWA) inspection of Peavey Hatchery ("Facility") by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection, and subsequent EPA administrative file review, was to determine the Facility's compliance with the requirements of the CWA and the National Pollution Discharge Elimination System (NPDES) general permit number IDG130046 ("Permit") for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review. During EPA's review of the Facility's administrative files, including Discharge Monitoring Reports (DMRs) from February 2011 through March 2016, there were no effluent exceedance violations noted.

**MARCH 2015 INSPECTION**

**AREAS OF CONCERN**

1. Part II.F.2 of the Permit states that throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5)1 and Guidance for Quality Assurance Project Plans (EPA/QA/G-5)2. The Quality Assurance Plan (QAP) must be prepared in the format that is specified in these documents.

At the time of the inspection, the inspector noted that the QAP did not appear to be in the proper format as described in the Part II.F.2. In addition, the QAP had not been updated since it was originally submitted in January 2008.

2. Part III.E.2 of the Permit states that the Best Management Practices (BMP) plan must include routinely inspect rearing and holding units and waste collection and containment systems to identify and promptly repair damage and regularly conduct maintenance of rearing and holding units and waste collection and containment systems to ensure their proper function.  
At the time of the inspection, the inspector noted that the Facility's BMP did not define the time interval of "routine basis". There was also no mention of maintenance or repair procedures.
3. Part III.E.3 of the Permit states that the Best Management Practices (BMP) plan must include training all relevant personnel in spill prevention and how to respond in the event of a spill to ensure proper clean-up and disposal of spilled materials, and train personnel on proper structural inspection and maintenance of rearing and holding units and waste collection and containment systems.

At the time of the inspection, the BMP contained a blanket statement that all employees received the required training; however, specific training dates and individuals in attendance were not recorded. Training documents for each employee should be maintained with the BMP to provide evidence of training.

## **VIOLATIONS**

1. Part III.E.1 of the Permit states that the BMP plan must include a section on chemical storage that ensures proper storage of drugs and other chemicals to prevent spills that may result in the discharge to waters of the United States and implements procedures for properly containing, cleaning, and disposing of any spilled materials.

At the time of the inspection, the inspector noted that the BMP plan provided by the Facility did not outline procedures for the proper containment and clean-up of any spillage. These are violations of Part III.E.1 of the Permit.

2. Part III.E.4 of the Permit states, in part, that the Facility is required to implement procedures to control the release of transgenic or non-native fish or their diseases as specified in any permit(s) issued by the Idaho Department of Fish and Game for the importation, transportation, release or sale of such species, in accordance with IDAPA §13.01.10.100, and implement procedures to eliminate the release of PCBs from any known sources in the facility, including paint, caulk, or feed.

At the time of the inspection, the inspector noted that the BMP plan did not contain the procedures used to control or prevent the release of transgenic or non-native fish or their diseases. The plan also lacked procedures to eliminate the release of PCBs. These are violations of Part E.4 of the Permit.


On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your

efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

Enclosures

cc: Mr. Stephen Berry  
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